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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,981	09/17/2003	Jung-Wan Ko	1293.1966	1954
49455 7590 04/10/2007 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER ORTIZ CRIADO, JORGE L	
			ART UNIT 2627	PAPER NUMBER

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/10/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/663,981

Applicant(s)

KO ET AL.

Examiner

Jorge L. Ortiz-Criado

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,2,5-8,19,20,29,30,32-36,39-43,47-50,54 and 55 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-8,19,20,29,30,32-36,39-43,47-50,54 and 55 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Species of Fig. 8, claims 1, 2, 5-8, 19, 20, 29, 30, 32-36, 39-43, 47-50, 54 and 55, in the reply filed on 12/18/2006 is acknowledged.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 5-8, 19, 20, 29, 30, 32-36, 39-43, 47-50, 54 and 55 are rejected under 35 U.S.C. 102(b) as being anticipated by Ito et al. U.S. Patent No. 6,160,778.

Regarding claim 1, Ito et al. discloses a disc ((1) Fig. 17) usable with respect to a recording and/or reproducing apparatus (fig. 7), the disc comprising: a data area (5) in which user data (Entry File-A; Figure 3) is recorded; and at least one of a lead-in area and a lead-out area (4) adjacent the data area and which comprises a temporary defect management area (4b) which comprises temporary defect information (22b) and temporary defect management

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information (22c) regarding the user data recorded in the data area (5) and which is accessible by the recording and/or reproducing apparatus to perform defect management on the disc (See Figures 2-4).

Regarding claim 2, Ito et al. discloses wherein: the data area (5) further comprises additional user data (Entry File-B; Figure 4) recorded in the data area (5) in an additional recording operation other than a recording operation during which the user data was recorded in the data area, and the temporary defect management area (4b) further comprises additional temporary defect information (22b) and additional temporary defect management information (22c) recorded in the temporary defect management area and corresponding to the additional user data recorded in the additional recording operation.

Regarding claim 5, Ito et al. discloses wherein the temporary defect management area (4b) comprises a temporary defect information area (22b), and the temporary defect information is recorded in the temporary defect information area (Figures 2-4).

Regarding claim 6, Ito et al. discloses wherein the temporary defect management area (4b) comprises a temporary defect management information area (22c), and the temporary defect management information is recorded in the temporary defect management information area (Figures 2-4).

Regarding claim 7, Ito et al. discloses wherein the corresponding temporary defect information (22b) and temporary defect management information (22c) are recorded as a pair of information in the temporary defect management area (4b; As shown in Figures 2-4).

Regarding claim 8, Ito et al. discloses a defect management area (4b) that is present in at least one of the lead-in area and the lead-out area (4), wherein, during finalization of the disc (see Fig. 8, End recording process), a last temporary defect information (22b) and a last temporary defect management information (22b), which are last recorded in the temporary defect management area (4b), are recorded as final defect information and defect management information in the defect management area (see Fig. 5, the last entries of File-C).

Regarding claim 19, Ito et al. discloses apparatus claim 19 is drawn to the apparatus (720 of Fig. 7) used in the corresponding optical disk claimed in claim 1 and is rejected for the same reasons of anticipation as used above.

Regarding claim 20, Ito et al. further discloses wherein the controller (controlling unit of figure 7) further controls the recording/reading unit: to record additional data (Entry File-B; Figure 4) in the data area (5) according to another recording operation, to record additional temporary defect information (22b) and additional temporary defect management information (22c) in the temporary defect management area corresponding to the additional data recorded according to the additional recording operation, and during finalization of the disc (see Fig. 8, End recording process), to record a last recorded temporary defect information and a last

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recorded temporary defect management information in a defect management area which is present in at least one of the lead-in area and the lead-out area of the disc (see Fig. 5, the last entries of File-C).

Regarding claim 29, Ito et al. discloses wherein the temporary defect management area (4b) further comprises a temporary defect management information area (12) other than the temporary defect information area, and the temporary defect management information is recorded in the temporary defect management information area (See figures 2-5).

Regarding claim 30, Ito et al. discloses wherein the corresponding temporary defect information (22b) and temporary defect management information (22c) are recorded as temporary management information in adjacent units in the temporary defect management area (4b; As shown in Figures 2-4).

Regarding claim 32, Ito discloses a disc ((1) Fig. 17) usable with respect to a recording and/or reproducing apparatus (fig. 7), the disc comprising: a data area (5) in which user data (Entry File-A; Figure 3) is recorded, the storage medium comprising: a data area (5) comprising user data; and a management area (4) other than the data area and which comprises a temporary defect management area (4b) comprising temporary defect information (22c) regarding the user data recorded in the data area and which is accessible by the recording and/or reproducing apparatus to perform defect management on the disc, wherein the storage medium is a write-once storage medium having "a property" which prevents, after the data (Entry File-A) is recorded on

an area of the storage medium, new data (Entries Files B-C) from being written to the area of the storage medium (as shown in Figures 2-5).

Regarding claim 33, Ito et al. discloses wherein the management area (4) further comprises a defect management area (4b) other than the temporary defect management area and comprising the temporary defect information usable by the recording and/or reproducing apparatus to perform the defect management on the storage medium (shown in Figures 2-5).

Regarding claim 34, Ito et al. discloses the data area further comprises additional user data (Entries Files B-C), additional temporary defect information (22b) corresponding to the additional user data is recorded as additional temporary management information (22c) in the temporary defect management area (4b), the additional temporary defect information further comprises the temporary defect information, and the defect management area comprises the additional temporary defect information (See Figures 3-5).

Regarding claim 35, Ito et al. discloses a storage medium (1) usable with respect to a recording and/or reproducing apparatus (720 of Fig. 7), the storage medium comprising: a data area (5) comprising user data (Entry-File B) and additional user data (Entry Files B-C) recorded in an area other than an area in which the user data is recorded; and a management area (4) other than the data area and which comprises a temporary defect management area (4b) comprising temporary defect information (22b) regarding the user data recorded in the data area, and additional temporary defect information (22b) recorded in an area other than an area in which the

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temporary defect information is recorded, wherein the additional temporary defect information comprises defect information corresponding to the additional user data and to the user data and is accessible by the recording and/or reproducing apparatus to perform defect management on the disc (see Figures 2-5).

Regarding claim 36, Ito et al. discloses wherein the temporary defect management area (4b) further comprises: temporary defect management information (22c) usable by the recording and/or reproducing apparatus to manage the temporary defect information (22b), and additional temporary defect management information (22c) usable by the recording and/or reproducing apparatus to manage the additional temporary defect information (22b).

Regarding claim 39, Ito et al. discloses wherein the management area (4) further comprises a defect management area (4b) other than the temporary defect management area and comprising one of the temporary defect information and the additional temporary defect information usable by the recording and/or reproducing apparatus to perform the defect management on the disc as (shown in Figures 2-5).

Regarding claim 40, Ito et al. discloses wherein: the additional temporary defect information (22b) includes the temporary defect information, and the defect management area comprises the additional temporary defect information (see Figures. 2-5).

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Regarding claim 41, apparatus claim 41 is drawn to the apparatus (720 of Fig. 7) used in the corresponding optical disk claimed in claim 32 and is rejected for the same reasons of anticipation as used above.

Regarding claim 42, Ito et al. further discloses wherein the controller further controls the pickup (inherently provided in the apparatus 720) unit to transfer additional data (Entry Files B-C) with respect to an area of the data area other than an area in which the data (Entry File A) is recorded, and to record additional temporary defect information (22b) corresponding to the additional data in the temporary defect management area (see Figures 2-5).

Regarding claim 43, Ito et al. discloses wherein the controller further transfers temporary defect management information (22b) with respect to the temporary defect management area, the temporary defect management information comprising management information used by the controller for managing the temporary defect information (see Figs 2-5).

Regarding claim 47, Ito et al. discloses wherein the management area (4) further comprises a defect management area (4b) other than the temporary defect management area, and the controller controls the pickup unit to additionally transfer the temporary defect information with respect to the defect management area (shown in Figures 2-5).

Regarding claim 48, Ito et al. discloses wherein: the controller further controls the pickup unit to transfer additional data (Entry Files B-C) with respect to the data area, and to transfer

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additional temporary defect information (22b) corresponding to the additional data and which is recorded as additional temporary management information (22c) in the temporary defect management area, the additional temporary defect information (22b) further comprising the temporary defect information, and the defect management area (4b) comprises the additional temporary defect information.

Regarding claims 49-50, 54 and 55, correspond to the medium encoded with processing instructions for implementing a method performed in the above apparatus claims, having limitations similar to those treated in the above rejection(s), and are met by the references as discussed above and is rejected for the same reasons of anticipation as used above.

### ***Conclusion***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jorge L. Ortiz-Criado whose telephone number is (571) 272-7624. The examiner can normally be reached on Mon.-Thu.(12:30 pm- 9:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea L. Wellington can be reached on (571) 272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Supervisory Patent Examiner